State of California
Fair Political Practices Commission
P.O. BOX 807 • SACRAMENTO, 95804 ••• 1100 K STREET BUILDING, SACRAMENTO, 95814
Technical Assistance (916) 322-5662 •• Administration 322-5660 •• Executive/Legal 322-5901 •• Enforcement 322-6441

October 19, 1984

Samuel J. Cohen
Roberta S. Hayashi
Berliner, Cohen & Biagini
Attorneys at Law
99 Almaden Blvd., Suite 400
San Jose, CA 95113

Re: Your Request for Advice on Behalf of Thomas McEnery; Our Advice No. A-84-172

Dear Mr. Cohen and Ms. Hayashi:

This letter is in response to your request for written advice on behalf of San Jose Mayor Thomas McEnery relative to decisions and actions involving the Guadalupe Corridor Light Rail Transit Project. The material facts necessary for this agency to render its advice have been gleaned from your initial letter, subsequent correspondence and telephone conversations between myself and Ms. Hayashi, and documentary materials submitted with that correspondence.1/ In addition, further clarification has been obtained from documents and maps forwarded directly by the Department of Public Works of the City of San Jose2/ and through telephone communication with Ms. Delores Montenegro of the Transportation Division within that Department. The facts, of necessity, are lengthy and detailed.

1/ These documents included copies of pleadings from Santa Clara County Superior Court Case No. 516685, including a stipulated Permanent Injunction therein, entered on January 25, 1983; and also included Working Paper 12 on the Guadalupe Corridor Phase II, Draft Environmental Impact Statement (Social and Land Use Analysis).

2/ These documents and maps also included an aerial photograph, dated 12/20/83, of downtown San Jose and the Final Environmental Impact Statement for the San Jose Transit Mall.

FACTS

Background Information and History of Litigation

Mayor Thomas McEnery was a member of the San Jose City Council prior to his election as Mayor. During that time he concurrently served as a member of the San Jose Redevelopment Agency; as Mayor, he currently serves as chair of that agency.

Throughout all of this time period, Mayor McEnery has held a 22% interest (worth more than $1,000) in and has served as an officer of the Farmers Union Corporation (FUC). The sole asset of this corporation is a group of parcels of land, some with buildings situated on them, in downtown San Jose, which comprises approximately one-half of a city block. The total land area is approximately 90,000 square feet, or a little more than two acres. The real property is situated on the north side of West Santa Clara Street, between Terraine Street and North San Pedro Street. It extends northward from West Santa Clara to approximately even with the southern edge of Carlisle Street, which does not bisect the block in which the property is situated. (See attached map.)

There has been considerable redevelopment activity in the vicinity of the FUC property. Consequently, questions have arisen in the past regarding the appropriateness of Mayor McEnery's participation in redevelopment decisions affecting properties or projects in the area. In January 1983, these issues were resolved by way of a Stipulated Judgment entered into between the Santa Clara County District Attorney[3/] and Mayor McEnery.

The primary effect of the Stipulated Judgment is that it delineates an area in downtown San Jose surrounding the FUC property (hereinafter referred to as the "prohibited zone"), within which Mayor McEnery may not participate in governmental decisions as Mayor or as Chairman of the Redevelopment Agency. Six specific projects in or near the "prohibited zone" were reserved for future consideration by the District Attorney's Office, or for determination by a request to the FPPC for an opinion or advice under Government Code Section 83114.[4/] One of these projects is the light rail system which is one of the three elements of the Guadalupe Corridor Project.

3/ The District Attorney is the Civil Prosecutor relative to civil enforcement of the provisions of the Political Reform Act (Government Code Sections 81000-91014) as to local officials.

4/ All statutory references are to the Government Code unless otherwise specified.

The Guadalupe Corridor encompasses a portion of the Santa Clara Valley approximately 16 miles long and five miles wide. See map attached. The Corridor extends from the heavily populated residential areas of South San Jose, through downtown San Jose, past the San Jose Municipal Airport and northward to the North San Jose and Santa Clara electronics industrial parks.

The Guadalupe Corridor Project has been under consideration for almost ten years. Beginning in 1974, the County Transit District began investigating alternative transit system technologies, high-ridership demand corridors, financial costs and environmental impacts of large-scale transit systems for the Guadalupe Corridor areas. The process of investigation and study continued in the following years. In 1979, the government entities involved identified the State Route 85 and 87 rights of way as a primary corridor for transportation development. Fourteen transportation alternatives were then considered. In November 1981, the San Jose and Santa Clara City Councils, and the Santa Clara County Transit District Board of Supervisors chose an alternative consisting of three major components: light rail transit, four-lane expressway, and bicycle facilities. These components are described in Section S.4 on pages S-3 through S-7 of the Final Environmental Impact Statement ("FEIS") attached hereto.

The light rail transit system is the only component of the Guadalupe Corridor Project that passes through the "prohibited zone" set forth in the Stipulated Permanent Injunction and Final Judgment. The light rail system stretches over 20 miles, only six-tenths of one mile is within the "prohibited zone." In addition to the light rail transit line, other facilities associated with the transit system will include a maintenance facility on an as yet undesignated site, and the San Jose Downtown Transit Mall, a portion of which is within the "prohibited zone." The Mayor is not seeking to participate in decisions regarding the Downtown Transit Mall.5/

It is anticipated that improved access to downtown San Jose would result from the Guadalupe Corridor Project, thereby supporting the planned revitalization of that area. This is one of dozens of predicted effects that are described on Table S.5-1 of the FEIS, attached hereto. Other effects of the Project include increased transit service, declining traffic volumes on parallel highways, enhanced access to vacant or agricultural lands in the extreme

---

5/ The Downtown Transit Mall is not formally a part of the Guadalupe Corridor Project, but is discussed herein because of its interrelationship to the overall transit program.

northern and southern ends of the corridor which would promote their development, improved job accessibility throughout the corridor, and community-wide growth. The FEIS also predicts that property value changes near the corridor could occur, i.e., a decrease in residential land value abutting the expressway, and an increase in nearby residential, commercial and industrial values due to enhanced access.

Several goals have been defined for the Guadalupe Corridor Project, including the stimulation of economic growth. See pages 1-1 through 1-7 of the FEIS, attached hereto. This goal includes revitalizing the downtown's ability to compete for new offices, stores, hotels, highrise housing and cultural facilities. Id. at 1-6, 1-7. This goal is one of nine goals. The other goals include improving transportation service, improving the quality of the natural environment, maintaining and enhancing the human environment, conserving energy and land resources, maximizing social welfare and equity, maximizing financial feasibility, maximizing community and institutional acceptance, and maximizing economic efficiency.

The Proposed Light Rail System

The proposed light rail system consists of a modern-day trolley line. That portion of the light-rail system which passes through the "prohibited zone" is shown in Figure 6a ("Alternative 3B") of the FEIS of the San Jose Transit Mall. It consists of two street-level tracks running parallel to, but on a separate right-of-way from, First Street and Second Street. First Street runs parallel to and two blocks to the east of North San Pedro Street, which forms the eastern boundary of the FUC property. Second Street lies yet another block further east of First Street. Light Rail stops will be situated at various locations along First Street and Second Street within the "prohibited zone." Among them will be one on First Street, just north of St. John Street and again just south of Santa Clara Street. These two stops will be on the northbound line and are 800 to 1,000 feet from the FUC property. Corresponding stops on the southbound line will be located on Second Street and will be approximately 300 feet further in distance to the Farmers Union property. The Light Rail stops will consist of a curb-level concrete platform approximately 15 feet wide by varying lengths, for passenger loading and unloading. A free-standing canopy will be installed to provide some shelter. No other structure will be erected and there will be no "joint development" of stops in this area. Within the "prohibited zone" there will be no "park and ride" stations.

The Downtown Transit Mall will also run along First and Second Streets. It will consist of bus routes running in conjunction with

the Light Rail on First and Second Streets. The funding for the Downtown Transit Mall is separate from that for the Light Rail and the Mall is expected to be completed and operational before the Guadalupe Corridor Project construction is begun.

The Farmers Union Property

The geographic location of the property has previously been discussed. The composition of the group of parcels and the tenants who are currently renting, as provided by you, is as follows:

1. Sizzler Family Steak House (restaurant): The Sizzler occupies 5,000 square feet on the corner of San Pedro and West Santa Clara Streets. Its tenancy is pursuant to a 20-year lease which began in 1976. Rent is based on a percentage of sales.

2. Home Federal Savings and Loan: Home Federal occupies 8,000 square feet on San Pedro Street. Its tenancy is subject to a 10-year lease which began in 1981.

3. Vendome Hotel: The Vendome Hotel consists of 100 rooms which are on the floors above some of the other tenants. Its tenancy is subject to a 10-year lease which began in 1982.

4. Retail Commercial Properties (real estate broker): Retail Commercial Properties occupies 2,600 square feet pursuant to a 15-year lease which began in 1981.

5. MTC, Inc. (restaurant): MTC, Inc. occupies 3,200 square feet pursuant to a 15-year lease which began in 1984. Rent is computed on a percentage basis.

6. Famous Pacific Fish Company (restaurant): The Pacific Fish Company occupies 10,000 square feet on the corner of West Santa Clara Street and Almaden Avenue. It is leasing the premises subject to a 30-year lease which began in 1979. Rent is computed on a percentage basis, with a ceiling on the amount of rent. According to Mayor McEnery, the Pacific Fish Company currently is very close to paying the ceiling amount.

7. San Jose Parking, Inc. (public parking lot): The parking lot consists of 120 spaces of open-air parking, with access from San Pedro Street. The lease is a 15-year lease commencing in 1979. Rent is paid on a percentage basis.

8. Walsh Construction Company: One-year lease commencing in 1984.

9. McDonald and Moore, Ltd. (office space): Month-to-month tenants.

10. Gunther Arts (artist): Month-to-month tenancy.

The last three tenants occupy fairly small spaces and do not attract a great deal of public traffic.

Mayor McEnery's Role

Mayor McEnery has agreed to disqualify himself from participation in any decisions involving the Downtown Transit Mall, which lies almost entirely within the "prohibited zone." He does not seek our advice on these matters.

Currently, the Mayor is an official member of the Joint Powers Board, but has not been serving on that board with regard to transit issues of the Guadalupe Corridor because of the questions raised by the Stipulated Judgment. An alternate from the San Jose City Council has been serving in his stead.

By letter dated September 9, 1983, Mayor McEnery sought to have the Stipulated Judgment clarified to permit full participation by the Mayor. A copy of that request has been received and reviewed. The District Attorney replied to that request by stating he did not believe that full participation was warranted; provided, however that the Mayor could participate in those particular decisions involving the Guadalupe Corridor Project which did not have a material financial impact on the FUC property. The District Attorney further stated that the issue of whether the Mayor could represent the Joint Powers Board and the City of San Jose for the lobbying of various federal agencies for approval of and for final funding commitments for the project was a decision which rested with the FPPC. A copy of the District Attorney's response has also been received and reviewed by this agency. Essentially, the District Attorney's advice was correct. This agency has now been asked by the Mayor to provide detailed advice regarding which decisions will or will not have a reasonably foreseeable material financial effect on his economic interests, so that he will know when he may participate and when he may not. He has also asked for our advice with respect to lobbying other agencies.

QUESTIONS AND CONCLUSIONS

We turn to the specific questions posed. Because of the questions' length and detail, we will set forth each specific question and then provide our conclusion. Following this portion of the letter, we will detail the analysis upon which our conclusions are based.

Question

1. May the Mayor fully participate on the Joint Powers Board, which is the governing body for the Guadalupe Corridor Rail and Highway Projects?

Conclusion

No. The Mayor may not fully participate. However, he may participate in a limited manner in several of the specific decisions about which he has asked, as detailed below.

Question

(a) May he participate in decisions regarding the formulation of specific plans and guidelines for the implementation of the Guadalupe Corridor project? For example:

(i) May he participate in the revision of the agreement between the City of San Jose and County of Santa Clara to provide for construction and funding responsibilities during the construction phase of the Guadalupe Corridor project? The current agreement does not fully allocate responsibilities for the construction phase.

Conclusion

To the extent that such decisions will reasonably and foreseeably affect the feasability and eventual completion of the overall project, the Mayor must continue to disqualify himself. To the extent that the project is destined to go forward as planned, and only details are involved, he may participate.

Question

(ii) May he participate in the formulation and adoption of a detailed operational plan to take effect once construction is completed? This detailed operational plan will specifically set forth the maintenance and operation policies and practices for the transportation facilities and establish the financial and governmental means to carry out the operational plan.

Conclusion

Similarly, to the extent that these plans will have a reasonably foreseeable effect on whether or not the Light Rail System operates, Mayor McEnery must disqualify himself. Again, if these decisions only affect details of operation and not its overall viability, his participation is appropriate.

Question

(b) May Mayor McEnery participate regarding the environmental and aesthetic decisions concerning the Guadalupe Corridor? For example:

(i) May he participate regarding decisions concerning the height and appearance of the sound walls which separate the light rail and highway from the surrounding areas, and determine who will be responsible for the cost of constructing such sound walls?

Conclusion

Yes. Mayor McEnery may participate in these decisions. As we understand the facts, such walls will be situated outside the "prohibited zone."

Question

(ii) May he participate regarding the landscape standards and specific criteria for the project?

Conclusion

As to those portions of the project which lie outside of the "prohibited zone," he may participate. As to that portion within the "prohibited zone" we defer giving specific advice until more specific facts are provided. Consequently, he should refrain from involvement at this time, but without prejudice to receiving later advice which may permit his participation.

Question

(iii) There is a railroad crossing at First Street in downtown San Jose, which crossing will have to be altered as part of the Guadalupe Corridor project. May the Mayor participate in negotiations with Southern Pacific and other governmental entities, particularly the Public Utilities Commission, in order to accomplish an appropriate design for integrating that railroad crossing with the project?

Conclusion

Yes. It is our understanding, from conversations with Ms. Hayashi, that this decision only involves whether the crossing will be at grade or whether it will go through an underpass. She has

specifically advised that this decision will not affect the overall viability of the Light Rail Project nor will it in any way affect the possible relocation of the Southern Pacific Train Station to First and Bassett Streets, which is an integral part of the overall downtown transit network.

Question

(iv) May Mayor McEnery participate in the approval of station designs throughout the project?

Conclusion

The mayor may participate in the approval of station designs outside the "prohibited zone." His participation inside the "prohibited zone" is permissible if his actions will not have a major impact upon the success or failure of the overall project. It is our understanding that stations within the "prohibited zone" will consist of curb-level platforms with free-standing shelters.

Question

(c) May Mayor McEnery participate regarding safety decisions for the Guadalupe Corridor project? E.g.,

(i) May he participate in determination of grade separations?

Conclusion

Outside of the "prohibited zone," he may participate in these decisions. It is our understanding that within the "prohibited zone" there are no grade separations planned, so we need not reach that issue.

Question

(ii) May he take part in deciding the operating speed of the light rail transit system throughout the system in order to provide for the maximum utilization of the transit facilities in light of public safety?

Conclusion

Yes.

Question

(d) May Mayor McEnery participate in specific and detailed design decisions that remain to be made regarding the project? For example:

(i) May he participate in the analysis and evaluation during the design and construction phases, which analysis will be necessary to determine if the design is cost effective and meets all the functional requirements?

Conclusion

If these decisions do not affect whether the overall project proceeds or not, then he may participate. However, decisions affecting the overall viability of the project should be avoided by the Mayor.

Question

(ii) May he participate regarding any revisions of the design during the design and construction phases, which revisions may be needed to reduce costs and still achieve the goals for the project?

Conclusion

Absent more detailed facts regarding specific decisions, our assumption is that these decisions will affect the overall viability of the project and therefore will affect the portion within the "prohibited zone." Therefore, the Mayor should not participate in these decisions unless he first seeks and receives affirmative advice from the Commission, based upon a more detailed statement of the facts.

Question

(e) May Mayor McEnery participate in construction scheduling decisions? Because of the various aspects of the design and cost priorities, construction of the Guadalupe Corridor will be conducted in stages. Thus, it will be necessary to decide where construction will be initiated and what stages will be completed in what order.

Conclusion

These decisions appear to involve prioritization of construction which could include a decision to construct in the "prohibited zone" rather than elsewhere, or vice versa. Therefore, at this stage, we

advise against participation in such decisions. Again, upon being provided further, specific facts regarding such decisions, we may revise this advice.

Question

(f) May Mayor McEnery participate in fiscal decisions regarding the Guadalupe Corridor project? Funding for the Guadalupe Corridor project has already been approved by Congress and the Reagan Administration through the Urban Mass Transit Administration and currently the details of the funding are being negotiated. Specifically, may Mayor McEnery participate in:

(i) Negotiating and approving a full funding contract with the Urban Mass Transit Administration?

Conclusion

Once again, these decisions will affect the success or failure and/or feasibility of the entire project. Consequently, the Mayor must refrain from participation in such decisions.

Question

(ii) Seeking additional local funds, if necessary? To the extent that state or federal funds are not available to implement the project as envisioned, local funds from the City or County may be needed. To date, $300,000,000 has been set aside for construction of the project. If the project costs exceed that amount, the question will arise of who will pay the additional costs.

Conclusion

Our conclusion to this question is the same as for the immediately preceding question.

Question

(iii) May Mayor McEnery participate in approving the purchase of materials during the early phase of the project development. This step is necessary to insure that materials are only purchased as necessary and in a manner that will insure their supply throughout construction.

Conclusion

Yes.

Question

2. May Mayor McEnery participate in the public relations efforts for the Guadalupe Corridor? For example:

(a) May he attend neighborhood meetings where public officials are available to explain construction and scheduling in order to minimize disruption and concern regarding the design and construction of the project?

Conclusion

Yes.

Question

(b) May he participate in individual meetings with businesses and firms during design and construction in order to address their concerns regarding loss of business and loss of access?

Conclusion

Yes.

Question

3. May Mayor McEnery act as a governmental liason by representing the Joint Powers Board before other governmental agencies who are considering fiscal, regulatory or legislative action which would affect the Guadalupe Corridor project?

Conclusion

Yes, provided that the decision that he should represent the Board has been made by the Board, independent of his participation in that decision.

ANALYSIS

Overview

The Political Reform Act (the "Act") provides as follows:

No public official at any level of state or local government shall make, participate in making or in any way attempt to use his official position to influence a governmental decision in which he knows or has reason to know he has a financial interest.

Section 87100.

Section 87103 defines when an official has a financial interest in a decision.

> An official has a financial interest in a decision within the meaning of Section 87100 if it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on:
>
> (a) Any business entity in which the public official has a direct or indirect investment worth more than one thousand dollars ($1,000).
>
> (b) Any real property in which the public official has a direct or indirect interest worth more than one thousand dollars ($1,000).
>
> (c) Any source of income, other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating two hundred fifty dollars ($250) or more in value provided to, received by or promised to the public official within 12 months prior to the time when the decision is made.
>
> (d) Any business entity in which the public official is a director, officer, partner, trustee, employee, or holds any position of management.
>
> For purposes of this section, indirect investment or interest means any investment or interest owned by the spouse or dependent child of a public official, by an agent on behalf of a public official, or by a business entity or trust in which the official, the official's agents, spouse, and dependent children own directly, indirectly, or beneficially a 10-percent interest or greater.
>
> Section 87103.

The Injunction

In the civil litigation between the District Attorney and Mayor McEnery an injunction was stipulated to by the parties. In order to resolve the myriad of individual questions which would inevitably arise as a result of the Mayor's extensive economic interests in the downtown region of San Jose, each of which could give rise to a financial interest in any given decision. The injunction stipulates that the Mayor is not to participate in decisions affecting that part of the downtown area, specifically the "prohibited zone," which are reasonably foreseeable to have a material financial effect upon FUC interests.

While delineation of this "prohibited zone" has resolved the issue of the Mayor's participation in many types of decisions, the injunction left open the question of his participation in certain other types of decisions. It is within that subject area that the foregoing questions have been posed to this agency, under the provisions of the stipulated injunction, and it is to those specific questions that we confine our analysis.

Mayor McEnery's Economic Interests

Mayor McEnery has an investment in Farmers Union Corporation (FUC) worth more than $100,000. Section 87103(a). (Statement of Economic Interests, Schedule A.) Mayor McEnery has a greater than 10% ownership interest in FUC; therefore, he has an interest in real property owned by FUC. Section 87103(b) and last paragraph; and Section 82033. (Statement of Economic Interests, Schedule C-1.) Mayor McEnery also is an officer of FUC and is paid a salary by FUC in excess of $10,000. Section 87103(c) and last paragraph. (Statement of Economic Interests, Schedule D.) In addition, because he owns more than 10% of FUC, sources of income to FUC are sources of income to Mayor McEnery on a pro rata basis. Since his ownership is 22%, the income from the lessees of FUC property will be attributed to him on a 22% ratio. Section 82030(a). Presumably each of the lessees will have paid (or promised to pay) FUC more than $1,250 during any 12-month period, making each of them a source of income to Mayor McEnery. Section 87103(c). Consequently, Mayor McEnery has every economic interest conceivable under Section 87103. As a result, he must disqualify himself from participation in any governmental decisions which will have a reasonably foreseeable material finacial effect upon FUC, its real property or any of its tenants.

Material Financial Effect

The Commission has adopted a regulation which provides guidance in determining what constitutes a "reasonably foreseeable material financial effect" on differing economic interests. 2 Cal. Adm. Code Section 18702. Subdivision (a) states that an effect is material if it is "significant." Subdivision (b) provides guidelines for determining what is significant in various contexts. In the case of real property interests, a change in value (either up or down) of one-half of one percent is sufficient to be termed "significant" and, therefore, material. Likewise, an effect which will increase or decrease the amount of rents paid for real property by $50 or more per month will constitute a material financial effect.

The Stipulated Injunction between the District Attorney's Office and Mayor McEnery determined that redevelopment activities within a radius of approximately five blocks around the FUC property will have

a reasonably foreseeable material financial effect upon Mayor McEnery's economic interests. Given the extensive and varied nature of those interests, the establishment of such a "prohibited zone" seems very appropriate. Given the magnitude and importance of the Guadalupe Corridor Light Rail Project and its proximity to the FUC property, we conclude that decisions affecting the overall viability of the Light Rail Project will have a reasonably foreseeable material financial effect on Mayor McEnery's economic interests.

The Draft Environmental Impact Statement (DEIS) which you have furnished to us discusses its methodology for analyzing impacts upon surrounding areas. At pages 2-3, it states:

> Because transportation is a major component of the urban development, the magnitude of its impact is broad and complex.
>
> * * *
>
> The potential impact zones, or spheres of influence of the project, were next defined.... The potential impact zones included the areas covered by the distance of approximately one-half mile on both sides of the proposed alignments.

The FUC property is less than one-fourth mile from the Light Rail alignments in downtown San Jose. This is well within the "potential impact zone" defined in the DEIS. The DEIS discussed increased real property values at pages 46-47, and page 56 as follows:

> ....[T]he concept of value capture. Generally, value capture refers to the government's recovering some or all of the increased real estate values resulting from publicly financed improvements. As applied to urban transportation, the idea is that transit can generate increased values on properties adjacent to or served by the improvement, and that since these greater values result from public investment (rather than the property owner's own actions) the public should have the right to some, if not all, of the increased value stemming from its investment.
>
> * * *
>
> The procedure for identifying joint development and value capture potentials associated with the proposed project began with definition of areas that are susceptible to change.
>
> * * *

> The areas most likely to experience change related to physical development are defined by: ...the redevelopment project areas, indicating where development is encouraged and is on-going....
>
> * * *
>
> The basic principle of joint development and value capture is to concentrate intensified development within an easy walking distance from the station--generally 1,000 feet to 2,000 feet, or a 5 to 10 minute walk.
>
> In addition ... the mode of transportation influences the kind of activities near the transit stations. Generally, bus transit stations are perceived rather poorly as places to make real estate investments, although the mode itself is quite effective in a number of ways. The prior perception may be due to the certain nuisances associated with the bus such as noise, air pollution, and uncertainty of future services and routing. In contrast, a rail transit station is in a better position to attract adjacent developments, not only because of its clean operation but also because of the "fixed" nature of the public investment and the urban quality it provides.

The "prohibited zone" contains several major redevelopment projects, which were specifically the focus of the Stipulated Judgment's prohibitions upon the Mayor's actions. The FUC property is clearly within the 1,000 to 2,000 feet distance from the proposed Light Rail System. The Downtown Transit Mall bus system will not have many of the detracting characteristics mentioned in the discussion above. The alternative already chosen will interact with Light Rail.

The Final Environmental Impact Statement (FEIS) for the Downtown Transit Mall ties all of the effects of the transit proposals together--some of its contents follow:

4. Alternative 3B

<u>Long-Term Beneficial</u>

- Economic benefits would be concentrated among First and Second Streets property owners in the form of increased property values.

- Benefits property owners along the mall.

- The mall project would support the increased office and retail development that has been projected for downtown San Jose over the next 10 years. In addition, a transit mall is expected to induce some additional office and retail development on its own.

- Auto traffic through St. James Park would be eliminated.

- Transit time through downtown would be improved.

- Waiting areas and transfer convenience would be improved.

Long-Term Adverse

- Santa Clara/Market and San Carlos/Market would operate at capacity at peak periods.

FEIS, p.5.

The intersection of Santa Clara and Market Streets is one block from the intersection of W. Santa Clara and N. San Pedro Streets which forms the southeast corner of the FUC property. The FEIS continues at pages 10-11, with the following observations.

> In addition to the operational and passenger needs, the transit system in downtown San Jose will need to be coordinated with and provide necessary support to other proposed transportation projects and major downtown revitalization developments.
>
> The key related transportation projects are the potential Guadalupe corridor transit improvements and the proposed relocation of the Southern Pacific commuter railroad station.
>
> [One of the] related transportation project[s] is the proposed relocation of the Southern Pacific train station to First Street at Bassett. With a First Street location, the train station would be much more accessible to transit vehicles running through the downtown. Because of this important interconnection it will be necessary for buses and/or light rail vehicles to operate as quickly and efficiently as possible to accommodate the number of passengers projected to utilize the relocated railroad station and the expanded commute train service which would follow. The relocated train station could also act as a multi-modal transportation center where county transit buses, Greyhound and Peerless buses, airport ticketing and limousine services and park-and-ride customers could be brought together with Southern Pacific and AMTRAK trains. Without important transit mobility improvement projects in the downtown area, the time delays to

transit and loss of ridership resulting from these delays could seriously impact both the potential Guadalupe corridor transit improvements and the S.P. station relocation.

> Redevelopment of downtown San Jose and development of public transit facilities in the South Bay Area are discussed in several local and regional plans including the San Jose General Plan, Zoning Ordinance and Downtown Development plan, the ABAG Regional Plan: 1980, and the Regional Transportation Plan prepared by the Metropolitan Transportation Commission. The proposed transit mall is consistent with the goals and policies of these plans. These plans consistently encourage the redevelopment of urban core areas, and improved transit facilities are considered to be an integral part of successful urban development....
>
> * * *
>
> The second area of related projects concerns downtown public redevelopment and projected development efforts.
>
> In the past decade, the level of private and public funding for redevelopment of San Jose's downtown areas has been growing. Most major investments have been public (the Convention Center, Performing Arts Center, Library, San Antonio Pedestrian Mall, etc.), though some significant private projects (primarily new bank buildings) have also been constructed primarily in Park Center Plaza. The City is currently in negotiations with a major developer regarding the San Antonio Plaza Redevelopment area. Very large investments for the construction of new office, hotel, housing and retail space will follow. The private investment commitments in the redevelopment area are in turn expected to induce additional private investment in adjoining downtown areas.
>
> An important consideration with respect to the scheduling and intensity of these downtown redevelopment projects will be the effectiveness of transit in the downtown. Not only will the number of buses, patronage levels and service efficiency be important, but there will also be a major need to create a downtown streetscape that will add to the area's identity, improve its visual attractiveness, provide a common element linking the private and public redevelopment areas, and increase levels of security, comfort and safety, thereby encouraging the entry into the downtown of more shoppers, office workers, pedestrians and transit riders.

Lastly on pages 27-28 of the FEIS, the following appears.

The restored economic character of downtown San Jose is emerging through a combination of public and private efforts. These efforts are focused on achieving the following objectives:

- Increasing the capture rate of downtown San Jose for new office space constructed in Santa Clara County,

- Encouraging visitor patronage through expanding the convention center and planning for development of a 250 to 500-room hotel,

- Planning for development of high-density, market-rate housing and,

- As a critical component of all these efforts, providing improved transportation service to and from the downtown area.

A major element of the plans to revitalize downtown San Jose is to increase accessibility through improvement in transportation service. The transit mall would be one of 3 major transportation improvements proposed to serve the downtown area. The 2 other major proposed transportation improvements are a regional transit terminal on Basset Street and a major Guadalupe Corridor transportation facility.

Conclusion - Material Financial Effect

As can be seen from all of the foregoing materials, the Light Rail Transit system and the Downtown Transit Mall (as well as the Southern Pacific Station relocation) are significant factors in the general economic well-being of downtown San Jose and will play an integral role in the revitalization and redevelopment of that area. Consequently, we have concluded that Mayor McEnery may not participate in those decisions which will have a reasonably foreseeable effect upon the overall viability of the Guadalupe Corridor Light Rail project because of its attendant impact on the FUC property. Our conclusions on the questions presented reflect our judgment as to whether the specific decisions fall within that parameter or not.

Public Generally Exception

The "brief" which accompanied your letter requesting advice on behalf of Mayor McEnery has urged that, despite the fact that certain decisions may have a material financial effect upon the Mayor's economic interests, we should conclude that the Mayor's interests will be affected in a way which is not "distinguishable from the effect on the public generally." Section 87103. We cannot agree.

The "public generally" exception is detailed in the Commission's regulation 2 Cal. Adm. Code Section 18703, which reads, in pertinent part, as follows:

> A material financial effect of a governmental decision on an official's interests, as described in Government Code Section 87103(a) through (d), is distinguishable from its effect on the public generally unless the decision will affect the official's interest in substantially the same manner as it will affect all members of the public or a significant segment of the public....

You have argued that because the Guadalupe Corridor is 5 miles wide and 16 miles long, and contains large numbers of parcels of real property and businesses, that the effects of decisions relating to the Guadalupe Corridor Light Rail System will be the same for a substantial segment of the public, and, therefore, Mayor McEnery should be permitted to participate in these decisions. However, the regulation requires more than simply a large number of affected persons; the effect on the official's economic interests must be "substantially the same" as the effect on the group which constitutes a significant segment of the public. 2 Cal. Adm. Code Section 18703.

Given the magnitude of the Mayor's interests and their relatively close proximity to the proposed transit facilities, we cannot conclude that the effects of significant Light Rail decisions will be "substantially the same" on the Mayor's interests as on those of everyone else in the Guadalupe Corridor. The DEIS recognizes a "potential impact zone" of one-half mile on either side of the alignments. This is much less than the full 5 mile corridor width. Furthermore, the FUC property is located less than one-fourth mile from both alignments in the downtown area. The DEIS also recognizes that impacts upon commercial properties will differ from those on residential properties. Because of its proximity to the transit projects, especially in the downtown area where the three come together, and its size and diversity of uses, the FUC property will not be affected in substantially the same manner as other commercial properties within the Guadalupe Corridor.

Lobbying Activities

Despite the Mayor's financial interest in the overall transit project, he may participate in the "lobbying" activities outlined in your questions 2 and 3. This is because such activities do not fall within the definition of "make, participate in making, or use of his official position to influence" as set forth in the Commission's regulation, 2 Cal. Adm. Code Section 18700. So long as the decisions to commit agency resources to the lobbying effort are made by the

City Council or the Joint Powers Board without the Mayor's participation, then he may serve as the agency's spokesperson before other bodies.6/ He may, of course, speak to community groups, etc. See, FPPC Bulletin, October 1, 1984, Vol. 10, No. 10, at p.8, Letter to Natalie West, No. A-84-239.

However, negotiation of contracts is not permitted since it involves decisions made directly on behalf of the agency being represented by the official (in this case the Mayor). See 2 Cal. Adm. Code Section 18700 and Advice Letter to Dianne Feinstein, No. A-84-057, copy enclosed.

CONCLUSION

The advice in this letter has been set forth above. You have urged that all of the decisions in question will not have a material financial effect on Mayor McEnery's economic interests. Based upon the information provided we cannot agree as to all of these decisions. However, if you believe that we have misinterpreted the nature of a specific decision, we are open to your presentation of additional facts to clarify our understanding. The same holds true for the District Attorney's Office which will be provided with a copy of this letter.

Should you have any questions regarding the advice contained herein, please feel free to contact the undersigned at (916) 322-5901.

Sincerely,

Robert E. Leidigh
Counsel
Legal Division

REL:km
Enclosures

cc: Ms. Robin Wakshall,
Office of the District Attorney
San Jose City Attorney's Office

6/ See, Advice Letter to George Agnost, No. A-84-014, copy enclosed, and Advice Letter to Adriana Gianturco, No. A-81-090, copy enclosed. Our advice is based upon the current wording of 2 Cal. Adm. Code Section 18700 and could change if the regulation is revised on this point. We are currently considering several revisions to the regulation.

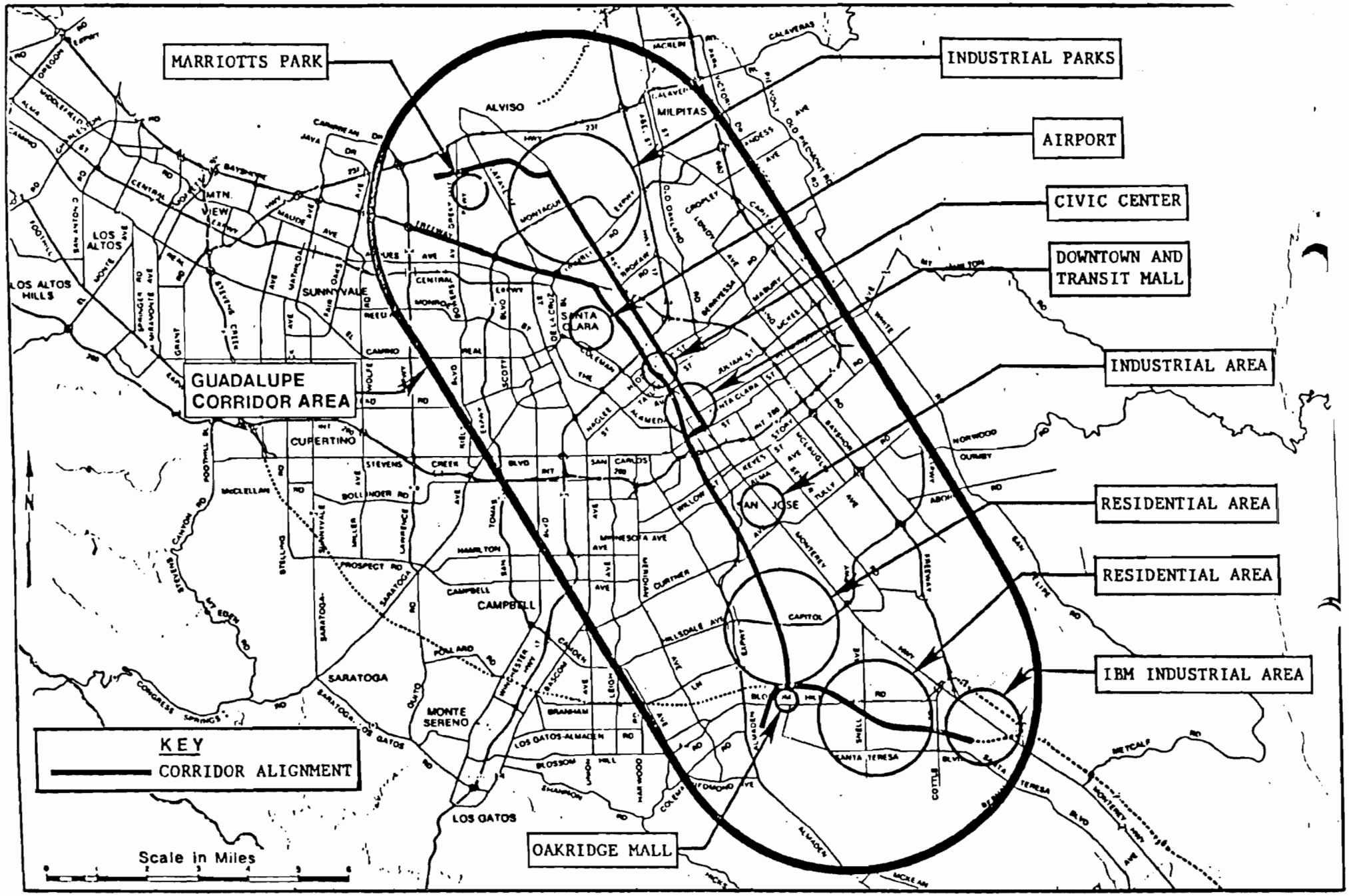
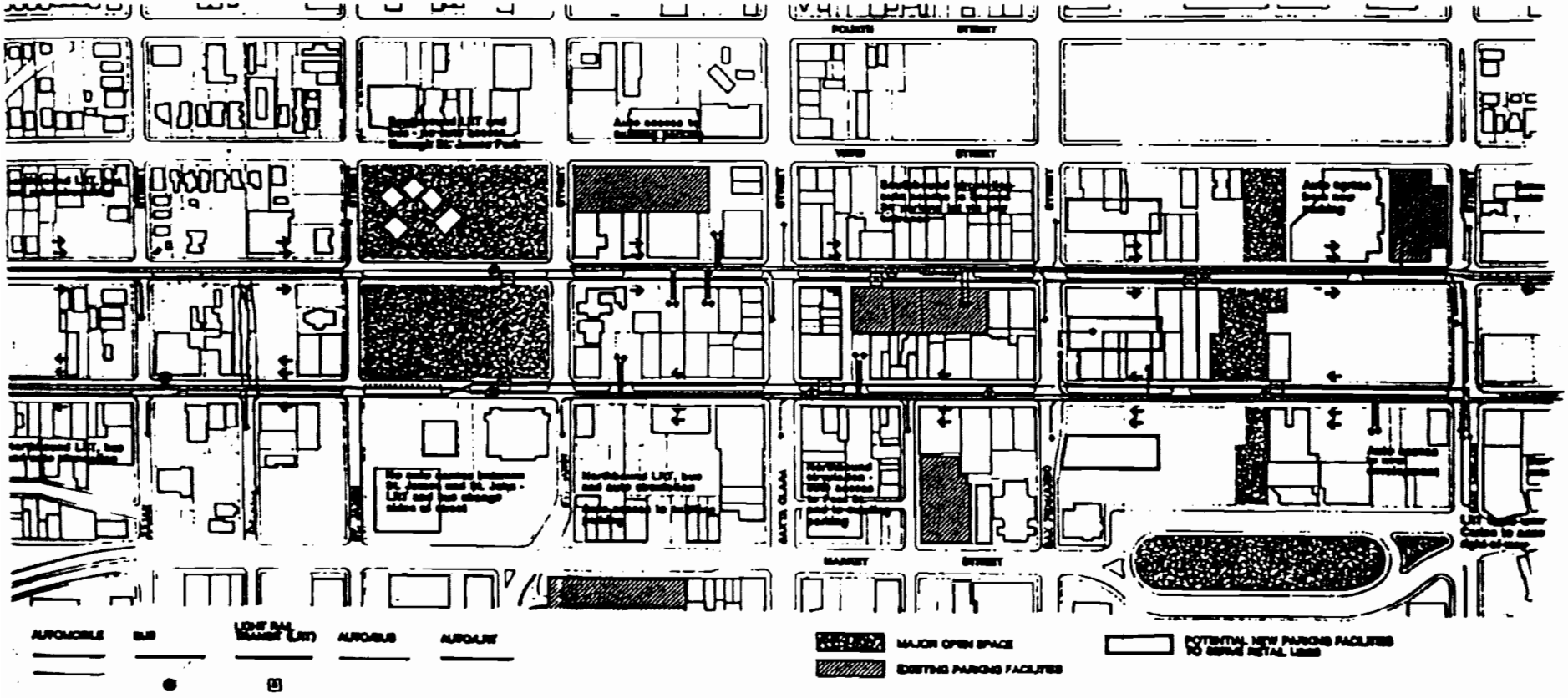
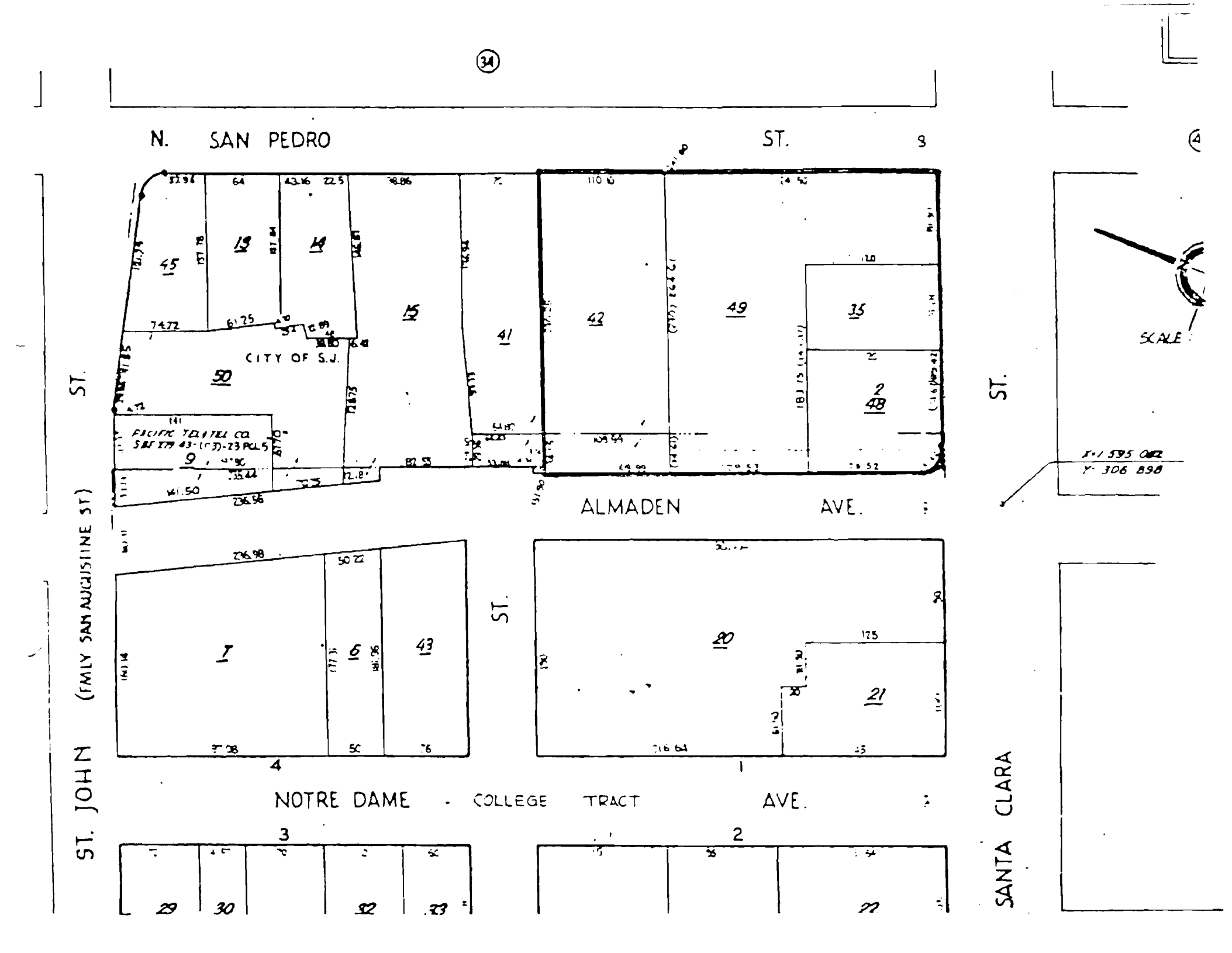


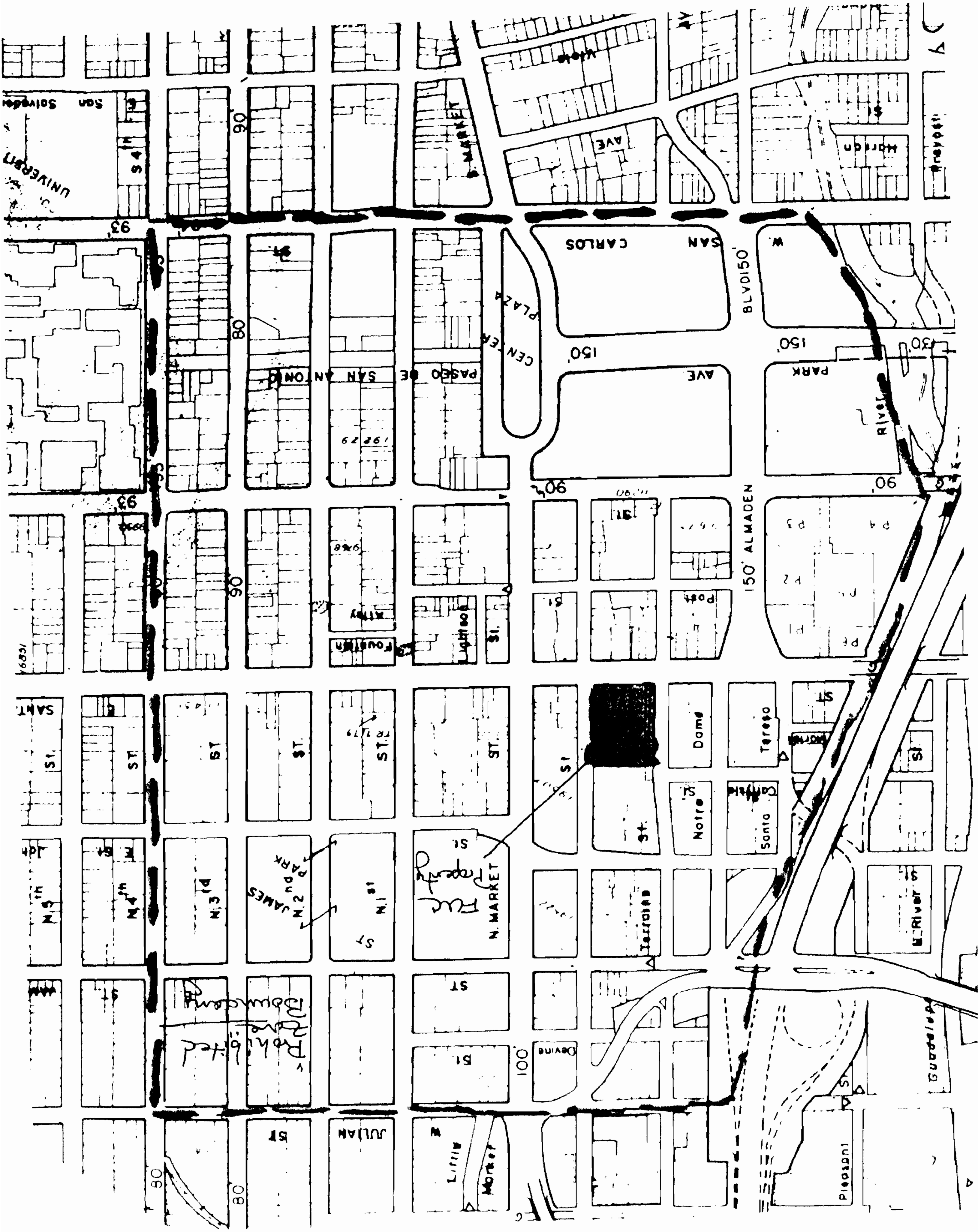
FIGURE 2.2-2 LOCAL SETTING OF THE GUADALUPE CORRIDOR

Downtown Transit Mall



-Approx. Location FUC Property


34
N. SAN PEDRO ST.
ST.
CITY OF S.J.
PACIFIC TEL & TEL CO
SEE BK 43-(C3)-23 PEL 5
ALMADEN AVE.
ST.
ST. JOHN (FMLY SAN AUGUSTINE ST)
NOTRE DAME - COLLEGE TRACT AVE.
SANTA CLARA
SCALE
X-1 595 082
Y- 306 898



San Salvador
UNIVERSITY
MARKET
AVE
Prevost
W. SAN CARLOS
BLVD 150'
PLAZA
CENTER
PASEO DE SAN ANTONIO
PARK AVE
River
150' ALMADEN
Post
Fountain
Alley
Dome
Teresa
Notre
Santa
N. MARKET
N. 1st St
N. 2nd
JAMES PARK
N. 3rd
N. 4th
N. 5th
N. River St
Devine
Guadalupe
W JULIAN ST
Little Market
Pleasant
The Property
Downtown Prohibited Zone

SUMMARY

S.1 INTRODUCTION AND PURPOSE OF THE FINAL ENVIRONMENTAL IMPACT REPORT

This report constitutes the Final Environmental Impact Statement (FEIS) for the Guadalupe Corridor Project locally preferred, multi-modal transportation facility. The FEIS is intended to document public comments on the Alternatives Analysis/Draft EIS (AA/DEIS), provide responses to those comments, and present more detailed environmental analysis of the locally preferred alternative (formerly Alternative 6 in the AA/DEIS).

The FEIS evaluates in detail only the locally preferred transportation alternative for the Guadalupe Corridor. The AA/DEIS should be consulted for detailed information about the other alternatives. The preferred alternative includes the following major elements: light rail transit (LRT) line and stations, park-and-ride lots, LRT maintenance facility, ancillary LRT facilities, four-lane expressway, expressway intersections or grade separations, ramp improvements, high occupancy vehicle (HOV) lanes on U.S. Highway 101, bicycle improvements and related transportation facilities.

Preliminary engineering design of the locally preferred alternative has been ongoing since the selection of the alternative in 1982. This more detailed engineering description of the facility is used as the basis for revised and updated impact analysis in the FEIS. Considerable additional community participation has also occurred during preliminary engineering (over 60 community meetings). Community concerns expressed at meetings has been used to help focus the environmental analysis in the FEIS.

A Memorandum of Understanding (MOU) has been executed to direct the preparation and review of the FEIS. Participants in the MOU include the Urban Mass Transportation Administration (UMTA), Federal Highway Administration (FHWA), and Guadalupe Corridor Joint Powers Board (JPB) representing the cooperating local and state agencies of CALTRANS, Santa Clara County Transit District, County of Santa Clara, City of San Jose and City of Santa Clara. In accordance with the MOU, the JPB is responsible for the preparation of FEIS analysis, and UMTA and FHWA, as joint federal lead agencies, must determine the adequacy of the FEIS. The MOU also establishes the focus of the FEIS on the locally preferred alternative, with supplementary analysis of a busway/high occupancy vehicle alternative.

The FEIS serves as one component of the review of the local alternative selection decision by UMTA and FHWA. Following adoption of the FEIS, UMTA and FHWA will review the local decisions regarding transportation facilities in the Guadalupe Corridor and give consideration to funding the implementation of the project.

S.2 NEED FOR ACTION

The Guadalupe Corridor encompasses a portion of the Santa Clara Valley within an area approximately 16 miles long and five miles wide. It extends from the heavily populated Almaden and Edenvale residential areas of South San Jose, through downtown San Jose, past the San Jose Municipal Airport and northward to the North San Jose and Santa Clara electronics industrial parks. In the 15 years from 1975 to 1990, the corridor area is expected to grow from 360,000 to

420,000 in population and from 187,000 to 383,000 in the number of new jobs. This large growth will generate an increase of at least 50 percent in demand for more daily person trips than the approximately 1.2 million trips made in the corridor in 1975. Almost half of this large increase has already been achieved during the significant growth years of 1975 to 1980.

State freeway projects for State Routes 87 and 85 were first planned over 20 years ago to accommodate the corridor's major commute transportation needs and were originally scheduled for completion by 1970. In the interim, the corridor has experienced a heavy second wave of industrial and population growth. Roadway congestion of major highways and arterials has become aggravated and has steadily spilled over onto local streets, causing increasing intrusion into and disruption of residential neighborhoods.

Approximately ten miles of the State Route 87/85 right-of-way purchased for transportation purposes remain undeveloped and unused. This very valuable resource, over 70 percent of the required right-of-way, can result in significantly lower capital costs for the development of transportation facilities than would normally be possible without substantially undeveloped, available rights-of-way.

The need for additional transportation facilities in the Guadalupe Corridor has become acute. Consequently, the Guadalupe Corridor planning process has been undertaken with the fundamental goal to: "achieve substantial, effective agreement on the most efficient and effective transportation system for the Guadalupe Corridor, consistent with the community's expressed social, environmental, economic, and financial goals." This consensus agreement was reached in 1981 with the selection of the preferred alternative (formerly Alternative 6).

S.3 HISTORY AND DEVELOPMENT OF THE PREFERRED ALTERNATIVE

Planning for mass transportation in Santa Clara County began in earnest in 1974 with the "Rapid Transit Development Project." The County Transit District investigated alternative transit system technologies, high ridership demand corridors, financial costs, and environmental impacts of large-scale transit systems capable of attracting 30 percent of person trips made in the county. This investigation recommended the staged implementation of a high performance, medium-capacity transit guideway network in urban areas fed by an extensive bus collection system as the most effective way of achieving the high transit ridership goal.

The County Transit District then contracted a second study in December, 1975 to investigate the feasibility of light rail or bus transit alternatives in five of the highest demand corridors identified in the first study. The final report of that study recommended the State Route 87 right-of-way (Guadalupe Corridor), along with a portion of the Southern Pacific Railroad/Monterey Highway Corridor, as the most feasible route with the greatest potential for high ridership.

The next step undertaken was the Santa Clara Valley Corridor Evaluation Study (SCVCE), the first phase of the Urban Mass Transportation Administration's (UMTA) two-phase "Alternatives Analysis" process required to make informed funding decisions on major urban mass transportation investments. The SCVCE

considered nine transportation alternatives and several land use scenarios for Santa Clara County in 1990. The SCVCE Draft Report (1978) recommended a priority list of land use, highway and transit projects, key among which was the detailed investigation of transportation alternatives in San Jose's Guadalupe Corridor. It was cited that this corridor had long been master-planned for major freeways (State Routes 87 and 85) which had never been built and that the right-of-way is now over 70 percent in public ownership.

In 1979, final recommendations were adopted from the SCVCE by the Association of Bay Area Governments, Metropolitan Transportation Commission, County of Santa Clara, City of San Jose and 12 other cities in the county. The State Routes 85 and 87 rights-of-way were identified as a primary corridor for transportation development. Pursuant to this finding, the SCVCE recommended acquisition of the remaining right-of-way property and construction of a four-lane expressway between Interstate 280 and Curtner Avenue within the right-of-way.

The second stage of the UMTA Alternatives Analysis for the choice of a specific transportation mode(s) in the Guadalupe Corridor was the evaluation of 14 transportation alternatives according to nine established evaluation goals. This process was undertaken in the AA/DEIS document. The results were presented to the public and local decision makers to select a preferred alternative. The selection of the light rail/expressway/bicycle alternative by all local jurisdictions in 1981 prompted a more detailed examination of this option, which is the subject and content of this FEIS.

S.4 SUMMARY DESCRIPTION OF THE PREFERRED ALTERNATIVE

In November, 1981, the San Jose and Santa Clara City Councils, and the Santa Clara County Transit District Board of Supervisors chose Alternative 6, Light Rail/Expressway/Bicycle Facility as the locally preferred alternative at the conclusion of a two year UMTA Alternative Analysis/Draft Environmental Impact Statement (AA/DEIS) process. This followed recommendations from the Guadalupe Corridor Board of Control, the County's Transportation Commission, and the Guadalupe Corridor Technical Advisory Committee (TAC), all of whom recommended Alternative 6. Since the AA/DEIS preparation, this alternative has been the subject of preliminary engineering. Table S.4-1 compares the preferred alternative with Alternative 6 as it was conceptualized during AA/DEIS preparation.

The locally preferred facility has three major components (light rail transit, four-lane expressway, and bicycle facilities). The total construction cost of the three mode system is estimated to be $[redacted] million in 1983 dollars. The three modes are:

A. Light Rail Transit (LRT) (approximately 20 miles) - between the Marriott's Great America business and theme parks area in north Santa Clara and the IBM business park area in south San Jose, plus the Lick Spur branch as follows:

   1) on Tasman Drive, between Santa Clara's Patrick Henry Drive and North First Street;
   2) on North First Street, between Tasman Drive and San Carlos Street;

TABLE S.4-1. COMPARISON OF MAJOR FACILITY DESIGN DIFFERENCES BETWEEN ALTERNATIVE 6 AND PRELIMINARY ENGINEERING

PROJECT ELEMENT	ALTERNATIVE 6	PRELIMINARY ENGINEERING
LRT ALIGNMENT		
- State Route 85	Same	Same
- Lick Branch	Same	Same
- State Route 87	Same	Same
- State Route 87 to First/Second Streets	Auzerais Avenue or Prevost/San Carlos Streets	San Carlos Street only
- North of Transit Mall	Same	Same
- Tasman Drive	Between N. First St. and Great America Parkway	Short extensions east (500 foot storage track) and west (to Old Ironsides Dr.)
LRT STATIONS (Major changes only; does not include design changes.)		
- Santa Teresa	Same	Same
- Cottle	Same	Same
- Lean	Park-and-ride station	Station stop only
- Snell	Same	Same
- Blossom Hill	Same	Same
- Cahalan	Not included	Future station
- Chynoweth	Same	Same
- Oakridge	Same	Same
- Blossom Hill #2	Station stop	Deleted
- Coleman	Same	Same
- Branham	Same	Same
- Capitol	Same	Same
- Curtner	Same	Same
- Alma	Same	Same
- Willow (Virginia)	Park-and-ride station	Station stop, moved to Virginia Street.
- Stations north of Interstate 280	12 stations proposed in the medians of San Carlos St., N. First Street and Tasman Drive (~~not including Transit Mall~~).	15 stations proposed in the median of the same streets, plus 3 future stations. Locations vary from Alternative 6.
- LRV Maintenance Facility	Location not specified	Site defined near Civic Center; site plans prepared.
- Electric Power Substations	Locations not specified	14 sites identified
- Park-and-ride lots	13 lots proposed	10 lots proposed

(Continued)

TABLE S.4-1 (CONTINUED). COMPARISON OF MAJOR FACILITY DESIGN DIFFERENCES BETWEEN ALTERNATIVE 6 AND PRELIMINARY ENGINEERING

PROJECT ELEMENT	ALTERNATIVE 6	PRELIMINARY ENGINEERING
EXPRESSWAY		
- Alignment in State Routes 85 and 87 rights-of-way	Same	Same
- Grade separations	None proposed south of Curtner Avenue	Options for grade separations are being considered at Blossom Hill Road, Pearl/ Chynoweth Avenues, and Capitol Expressway.
	Separation proposed at Brokaw Road	Deleted
- Ramp improvements at Santa Clara Street and State Route 17	Same	Same
BICYCLE PROVISIONS		
- South of Curtner Avenue	Separate path proposed	Bicycle lanes on expressway
- North of Curtner Avenue	Not specified	Several options being considered; to be resolved in final design.
HOV LANES ON U.S. HIGHWAY 101		
- Additional lanes (one in each direction) between Guadalupe Parkway and Lawrence Expressway	Same	Same
NOISE AND COMMUNITY WALLS		
- Provision of acoustical or community walls south of Interstate 280	Need for noise walls identified, but locations not specified	43,000 linear feet of noise and community walls are proposed to reduce exterior noise levels to 57 dBA (Leq) and enhance community privacy and security.

3) on San Carlos Street, between North First Street and State Route 87;
4) on State Route 87 (in the expressway median), between San Carlos Street and State Route 85;
5) on State Route 85 (in the expressway median), between State Route 87 and the intersection of Via Del Oro and Miyuki Drive; and,
6) on the Lick Spur and/or State Route 85, between State Route 87 and the intersection of Winfield and Coleman Avenues.

In addition to the LRT line itself, other facilities associated with the transit system include a maintenance facility near the Civic Center, 31 LRT stations, electrical substations, ten park-and-ride lots south of Interstate 280, and locations for four future stations. (The San Jose Downtown Transit Mall is not included in this report, since it has been analyzed in another FEIS certified in November, 1982.)

B. Four-Lane Expressway (approximately 15 miles total, 12 miles of new expressway construction) - a complete expressway, between the Guadalupe Parkway and U.S. Highway 101 in the north and Via Del Oro at Miyuki Drive in the south (including ramp connections to existing highways and major arterials), and widening of U.S. Highway 101 for two **High Occupancy Vehicle (HOV)** lanes between State Route 87 and Lawrence Expressway (four miles) as follows:

1) complete the Guadalupe Parkway, between Taylor Street and Julian Street, including two new ramps at State Route 17 and ramps at Santa Clara Street;
2) complete State Route 87, between Interstate 280 and State Route 85;
3) build State Route 85, between State Route 87 and Via Del Oro at Miyuki Drive; and,
4) widen U.S. Highway 101, between State Route 87 and Lawrence Expressway, from six lanes to eight lanes (four HOV lanes).

Intersections with major streets are proposed to be both at-grade and grade separated. At five intersections both options are addressed in the FEIS: Western Pacific Railroad, Almaden Road, Capitol Expressway, Chynoweth Avenue, and Blossom Hill Road. (The section of State Route 87 between Interstate 280 and Taylor Street is not included in this report, because it was analyzed in a previous FHWA FEIS certified in 1975.)

C. Bicycle Provisions (approximately 18 miles) - between the IBM industrial area in south San Jose and north San Jose/Santa Clara using the State Route 85 and 87 expressway shoulder for the most part north to Curtner Avenue. From Curtner Avenue to the north, alternative bicycle provisions are being considered during final engineering.

With the proposed project, countywide transit patronage would increase significantly (over 30,000 new transit riders per day) causing a substantial reduction in daily countywide automobile trips. Over 10,000 trips per hour (5,000 on the new light rail transit system, 5,000 on the new State Route 87 highway) would be removed from existing streets and highways during morning and evening peak hours in both the Willow Glen neighborhood and through downtown San Jose. Significant improvements to both auto and transit peak hour travel times in the corridor would take place.

The light rail transit system was chosen over the Busway and Commuter Rail alternatives for a number of reasons related to: (1) transportation service factors (costs, capacity, speeds, accident rates, expansion potential, traffic relief, flexibility); (2) economic growth factors (encourages desirable land use patterns, allows continued jobs and housing growth, helps revitalize downtown San Jose); (3) financial feasibility factors (costs and revenues per passenger, the likelihood of gaining state and federal funds to build the system); and (4) cost effectiveness factors (annualized costs vs. benefits of travel time savings, accident rates, and operating costs; annual subsidy per passenger).

S.5 SUMMARY OF SIGNIFICANT IMPACTS

Table S.5-1 presents a summary of major environmental impacts of the Guadalupe Corridor Project. The summary table includes only the key impact findings in each of the FEIS topic areas. Refer to Sections 3 through 5 of this FEIS for more detailed analysis of these key issues and a comprehensive presentation of other impacts identified during the preliminary engineering stage of the project.

Major mitigation measures are also presented in the summary table. Where mitigation is proposed as part of the project, the measure is noted by an asterisk (*).

TABLE S.5-1. SUMMARY OF MAJOR IMPACTS

IMPACT ISSUE	DESCRIPTION	MITIGATION
TRANSPORTATION AND TRAFFIC CIRCULATION		
Increased transit service	Significant beneficial increases in the number of transit vehicles, vehicle miles, passenger capacity, and vehicle hours would result with project compared to the No Build Alternative.	None required.
Increased patronage	Transit patronage would increase by 129 percent over the No Build Alternative and by four percent over the Baseline Alternative.	None required.
Transit mode share	The project will have a beneficial impact on transit mode share compared to the No Build Alternative (seven to 12 percent increase).	None required.
Bicycle provisions	Bicycle provisions would be made throughout the Corridor, including lockers at stations and use of expressway shoulders. Final bicycle provisions north of Curtner Avenue will be determined during final design.	Bicycle provisions north of Curtner Avenue will be resolved during final design.*
Traffic volumes on parallel highways	Peak hour traffic volumes would decline on parallel highways including U.S. Highway 101, State Route 17 and State Route 82 compared to the Baseline Alternative.	None required.

(CONTINUED)

TABLE S.5-1 (CONTINUED). SUMMARY OF MAJOR IMPACTS

IMPACT ISSUE	DESCRIPTION	MITIGATION
Traffic volumes on nearby residential streets	Compared to the No Build Alternative, peak hour traffic volumes on Meridian Avenue, Lincoln Avenue, Bird Avenue and Vine Street would decline.	None required.
At-grade intersection congestion	At Chynoweth Avenue and Capitol Expressway, the at-grade expressway/LRT crossing option would cause very congested levels of service.	Grade separated interchanges will be considered during final design.*
Park-and-ride station area traffic	Minor a.m. peak hour congestion is expected, near major stations; however, no significant adverse levels of service impacts are expected.	None required.
Maintenance facility traffic on North First Street	Maintenance facility employee traffic would not significantly affect the level of service on North First Street.	None required.
HOV lane traffic impact on U.S. Highway 101.	The HOV lanes are needed to support traffic capacity requirements caused by the continuous expressway connection with the Guadalupe Parkway.	None required.
Travel times	Auto and transit trip times would be improved compared to either the No Build or Baseline Alternative.	None required.
Parking loss on LRT maintenance facility site	No adverse impact is expected; a surplus of space exists in this lot at present.	None required.
Neighborhood parking intrusion from park-and-ride lots	Park-and-ride facilities have sufficient capacity for present and foreseeable future parking needs.	None required.

(CONTINUED)

TABLE S.5-1 (CONTINUED). SUMMARY OF MAJOR IMPACTS

IMPACT ISSUE	DESCRIPTION	MITIGATION
Traffic disruption during project construction	Construction activities are expected to cause significant adverse impacts on North First Street levels of service.	Staged construction, detours, and maintaining minimum lane openings are proposed.*
LAND USE AND STATION AREAS		
Right-of-way land use conversion	Existing corridor right-of-way land uses would be converted to transportation facilities. Present uses include residential, agricultural, industrial, commercial, storage, parking, frontage, public facilities and vacant uses.	Relocation assistance provided when qualified.* Many uses have been undertaken after right-of-way establishment on an interim basis.
Neighborhood separation from Virginia Street to Almaden Expressway	Raised expressway and LRT facilities on fill embankment would create physical barrier within Willow Glen/ Gardner residential neighborhood.	Unavoidable
Surplus right-of-way development	If surplus right-of-way is not used for transportation facilities, small parcels may become available after project construction. No large parcels are expected.	Development process would proceed in compliance with relevant local plans and policies, and with full public review.*
Induced and joint development	Enhanced access created by the project would encourage development of vacant or agricultural lands in vicinity (extreme northern and southern ends of the corridor). Land use density changes may be supportable by transit, but would require	Development process would proceed in compliance with relevant local plans and policies, and with full public review.*

(CONTINUED)

TABLE S.5-1 (CONTINUED). SUMMARY OF MAJOR IMPACTS

IMPACT ISSUE	DESCRIPTION	MITIGATION
	full community review, if proposed. No major joint development opportunities are apparent and none are proposed to date.	
APPLICABLE PLANS AND POLICIES		
Consistency with local plans	Project is consistent with Santa Clara Valley Corridor Evaluation (SCVCE) and Santa Clara County, City of San Jose and City of Santa Clara General Plans.	None required.
Local consensus for the preferred alternative.	Resolutions of support have been adopted by Santa Clara County, CALTRANS, San Jose, Santa Clara and seven other local cities. Metropolitan Transportation Commission abstained from endorsement, except to support limiting choices to the alternatives in the AA/DEIS.	None required.
Job accessibility	Improved job accessibility throughout the corridor will result from project implementation.	None required.
Safety and security	Community concern expressed regarding safety and security of LRT systems, station areas and park-and-ride lots. Also, concern exists over potential trespassing into residential neighborhoods.	SCCTA will provide security force for for all LRT facility areas. Community walls will provide a barrier between the facility and adjacent sensitive properties.*

(CONTINUED)

TABLE S.5-1 (CONTINUED). SUMMARY OF MAJOR IMPACTS

IMPACT ISSUE	DESCRIPTION	MITIGATION
Residential and business displacement	69 residential and 17 non-residential structures would be displaced mostly in the Jerome Street and Della Avenue neighborhoods.	Relocation assistance would be provided.*
ECONOMIC CONDITIONS		
Community-wide growth	Guadalupe Corridor transportation system would help to faciliitate community-wide growth to adopted General Plan levels.	None required.
Downtown San Jose development	The project would improve access to downtown to support planned revitalization.	None required.
Employment	The project would provide a new travel link between existing employment and residential centers.	None required.
Property values	Minor property value changes near the corridor could occur, i.e., decrease in residential land value abutting expressway, increase in nearby residential, commercial and industrial values due to enhanced access.	Noise and community walls proposed to reduce environmental effects on abutting residences.*
GEOLOGY		
Seismic hazards	Potential for groundshaking is moderate. Ground rupture and liquefaction do not pose significant risks.	Standard engineering and construction principles should be used to minimize risks.* Some seismic risk is unavoidable.

(CONTINUED)

TABLE S.5-1 (CONTINUED). SUMMARY OF MAJOR IMPACTS

IMPACT ISSUE	DESCRIPTION	MITIGATION
Soil suitability	Potential for differential settlement and soil subsidence due to compaction may exist. Soil type and character is not uniform.	Standard geotechnical analysis, engineering and construction procedures should be used to minimize potential for soil induced damage.*
Grading activities	Excavation of Communications Hill (1,150,000 c.y.) required. Expressway/LRT requires 2,000,000 cubic yards of fill south of I280. Fill importing needed.	Use Communications Hill excavation for expressway embankment to reduce fill import need.*
HYDROLOGY, WATER QUALITY AND FLOOD PLAINS		
Flood plain encroachments and flooding impacts	Encroachment by facilities in the 100-year flood plain in several areas is unavoidable. Flooding impacts would be minor with proposed mitigation measures. Project complies with E.O. 11988.	Extensive engineering/construction mitigation is proposed (elevation of corridor facilities, flood proofing, bypass channels and coordination with the Corps of Engineers and the Santa Clara Valley Water District).*
Drainage and erosion	Potential for minor alterations in surface runoff patterns and increased quantity of runoff due to increased areas of impervious surfaces. Extensive grading could potentially cause erosion of unprotected, disturbed soils and temporarily increased sediment loads to receiving waters.	Erosion control plan will be implemented for construction.*

(CONTINUED)

TABLE S.5-1 (CONTINUED). SUMMARY OF MAJOR IMPACTS

IMPACT ISSUE	DESCRIPTION	MITIGATION
Groundwater and water quality	The project would not significantly impact groundwater, since no recharge areas are affected. Increased roadway surfaces would cause a minor incremental increase in urban contaminants.	Oil and grease trap installation and careful fertilizer practices should be implemented.
BIOLOGY, ENDANGERED SPECIES AND WETLANDS		
Wetlands	Minor loss of wetland/riparian habitat and mature trees is unavoidable due to bridge crossings on Guadalupe River. Project complies with E.O. 11990.	Bridges have been designed to minimize impacts to wetlands and riparian areas. Replanting is proposed where mature trees are lost.*
Communications Hill	Removal of nine acres of grassland and 10 to 15 mature oak, pepper and eucalyptus trees would be needed for the transportation facilities. Wildlife movement across the habitat would be obstructed by the expressway/LRT facilities.	Unavoidable.
Endangered Species	No proposed candidate on listed rare and endangered species are located in the corridor area. Project complies with Section 7 of the Endangered Species Act.	None required.
AIR QUALITY		
Construction emissions	Earth moving would generate 420 tons of uncontrolled particulate emissions. Exhaust emissions by construction vehicles would not create significant regional impacts.	A particulate control program, including daily waterings (when needed) should be implemented.

(CONTINUED)

TABLE S.5-1 (CONTINUED). SUMMARY OF MAJOR IMPACTS

IMPACT ISSUE	DESCRIPTION	MITIGATION
County-wide operational emissions	A minor, beneficial reduction in regional hydrocarbon and NOx emissions would result due to improved circulation and reduced motor vehicle travel.	None required.
Localized operational emissions	Minor localized increases in CO levels would occur adjacent to the expressway. Some areas of existing congestion would experience CO level reduction.	Maximize mode shift from autos to transit.*
Sensitive receptors	Air quality impacts upon sensitive receptors are not expected to be significant.	None required.
NOISE AND VIBRATION		
Construction noise	Construction activities would create temporary noise intrusion to nearby and adjacent uses.	Noise walls would be a first phase of project construction*; noise reducing construction practices should be used (see Section 3.10).
LRT operation noise	Noise generated by passing LRT vehicles would not create significant noise intrusion to sensitive receptors.	LRT vehicle and track design are designed to minimize noise generation.*
Park-and-ride facilities	Noise from park-and-ride facilities could affect abutting sensitive receptors.	Noise and community walls are proposed, where needed.*

(CONTINUED)

TABLE S.5-1 (CONTINUED). SUMMARY OF MAJOR IMPACTS

IMPACT ISSUE	DESCRIPTION	MITIGATION
Vibration	Vibration from LRT vehicles could potentially create disturbances to people and and sensitive technical equipment in nearby areas.	Further vibration study will take place prior to final engineering work to determine the type of necessary design mitigation.*
Street and expressway noise	South of I280, expressway noise would cause impacts to adjacent uses, requiring mitigation. Adopted corridor Noise Policy requires reducing exterior noise to 67 dBA Leq at a minimum, 57 dBA Leq, if feasible.	As required by the Noise Policy, noise and community walls will be built. Noise reduction to 57 dBA is proposed.*
Local noise guideline consistency	Peak hour noise levels adjacent to transportation facilities would be consistent with the most stringent local noise guidelines.	None is required, beyond the proposed noise walls and LRT system design.*
ENERGY RESOURCES		
Construction energy	Construction of the project would consume 800,000 Barrel of Oil Equivalents (BOE).	Use energy efficient construction practices and materials.
Total construction and infrastructure replacement energy	Over the 50 year service life of the project, including initial construction, approximately 2.2 million BOE would be consumed.	See above.
Operations energy	System operation would provide energy savings compared to the No Build or Baseline Alternatives.	Project facility mitigation shall include use of energy efficient lighting and LRT vehicles as well

(CONTINUED)

TABLE S.5-1 (CONTINUED). SUMMARY OF MAJOR IMPACTS

IMPACT ISSUE	DESCRIPTION	MITIGATION
		as other measures which would be considered during final engineering.*
Energy pay back period	Based on operations savings accrued, the period required to regain construction/replacement energy consumption would be 7 to 8 years compared to the No Build and 12 to 15 years compared to the Baseline Alternative.	See above.
AESTHETICS		
LRT vehicles and overhead wires	Facilities would be visible, but not obtrusive in an urban environment.	Design includes coordination of LRT overhead with existing street furniture, use of single contact wire where possible, locating feeder cables underground, use of a center pole and combining LRT poles with street lighting where possible.*
Communications Hill	Visual impact would occur from grading cut through this prominent landform. Transportation facilities traversing the hill would create view opportunities for travelers.	Landscaping and revegetation are proposed*, partially unavoidable.
Elevated expressway	North of Almaden Road, the elevated expressway would create visual disruption within the surrounding neighborhood.	Landscaping is proposed*; partially unavoidable.

(CONTINUED)

TABLE S.5-1 (CONTINUED). SUMMARY OF MAJOR IMPACTS

IMPACT ISSUE	DESCRIPTION	MITIGATION
Community/noise walls	The walls could cause shading and obstruct views within the surrounding neighborhood.	Residents have participated in noise wall height selection. Noise wall final design will reflect landscape mitigation and aesthetics.*
Mature trees along North First Street	Street widening to accommodate LRT vehicles would remove 47 to 61 trees between Bassett Street and State Route 17, causing impacts of locally important streetscape appearance.	A landscaping program for this area will be resolved with City of San Jose in Final Design. Minimizing tree loss and tree replacement designs are program objectives.*
PUBLIC SERVICES AND FISCAL CONDITIONS		
Police protection	Minor increased demand for police protection is expected throughout the corridor, but no personnel/equipment expansions would be necessary.	SCCTA would provide security patrol for all LRT facilities. Community/noise walls would provide a buffer between the corridor and residential neighborhoods.*
Fire protection	Permanent roadway closure and temporary roadway blockage (during times of train crossings) could impede emergency vehicle access. No direct demand for additional fire personnel or equipment would be created.	During final design, the SCCTA should coordinate with the City of Santa Clara to insure access for a proposed new fire station near Tasman Drive.

TABLE S.5-1 (CONTINUED). SUMMARY OF MAJOR IMPACTS

IMPACT ISSUE	DESCRIPTION	MITIGATION
Utility demand	All of the necessary utilities would be available at adequate levels for operation and maintenance of the transportation system.	None required.
Utility relocation and encasement	In several area, utility lines would need to be relocated and/or encased.	These lines will be relocated and encased as part of the project.*
Tax revenues	Some minor increases and decreases in property and sales tax revenues could result with insignificant net local impact.	None required.
Community service costs	Minor, incremental public cost increases would be associated with minor increases in demand for public services.	None required.

S.6 COMPLIANCE WITH RELATED ENVIRONMENTAL LAWS AND EXECUTIVE ORDERS

EXECUTIVE ORDER 11990. Executive Order 11990 requires the avoidance of long and short term adverse impacts to wetlands, unless there is no practicable alternative and all practicable measures to minimize harm are incorporated. In accordance with U.S. Department of Transportation Order 5660.1A, implementing the executive order, early public input, early consultation with the U.S. Fish and Wildlife Service and the California Department of Fish and Game, an assessment of wetland impacts, and evaluation of the proposed action and mitigation measures have been completed.

Bridge crossing of wetlands areas would occur at four locations across riparian corridors. At two of these areas, bridge structures would clear span the wetlands areas. At only one area would more than the one mature tree need to be removed. Mitigation through replanting of riparian trees is proposed, when tree removal is unavoidable. Based on the above considerations, it is determined that there is no practicable alternative to the proposed new construction in wetlands and that the proposed action includes all practicable measures to minimize harm to wetlands which may result from such use (see Section 3.8 of this FEIS). Consequently, the project is in compliance with Executive Order 11990.

EXECUTIVE ORDER 11988. Executive Order 11988 requires the avoidance of encroachment on the 100-year flood plain by Federal actions unless no feasible alternative exists. In accordance with U.S. Department of Traansportation procedures, early public involvement and location hydraulic studies have been conducted. The project would encroach on the 100-year flood plain in several areas. It has been determined, however, that the project would be located in the most feasible route of high ridership in the area; that the project would provide the needed alternative to the private automobile for those traveling from the residential south San Jose to the city's commercial center and on to the industrial job market of north San Jose and Santa Clara; and that any horizontal alternative alignment would require the acquisition of right-of-way through dense urban neighborhoods.

No practicable alternatives to the encroachment into the 100-year flood plain exists. The project has been designed in conformance to all applicable state and local flood protection standards. As such, the project is in compliance with Executive Order 11988.

SECTION 7. Section 7 of the Endangered Species Act of 1973 requires coordination with the U.S. Fish and Wildlife Service in the identification of listed, proposed or candidate rare and endangered species affected by a federal action. This coordination has been carried out and has identified one candidate plant species, Mount Hamilton Thistle (*Cirsium campylon*), that may be present in the corridor area. An extensive survey and assessment of the likelihood of the presence of the species in the corridor has been conducted. None of the species was found during the flowering season field survey. Since all known populations in the Santa Clara Valley are between the 400 and 1000 foot elevation, it has been determined that the species is not present in the Guadalupe Corridor itself (See Section 3.8 of this FEIS). The U.S. Fish and Wildlife Service has concurred in this determination (see Appendix 16.3).

SECTION 106. Section 106 of the National Historic Preservation Act of 1966 requires that the effect of a federal action on cultural resources listed in or eligible for the National Register of Historic Places be taken into account prior to approval of the action. Pursuant to this requirement, surveys of historic and archaeological resources in the corridor have been conducted and all required documentation has been prepared.

It has been determined that there is one historic and eight archaeological sites eligible for the National Register of Historic Places in the Guadalupe Corridor's Area of Potential Environmental Impact. A determination of No Effect has been made regarding the one historic resource, a Colonial Revival farm complex at 2343 North First Street. A determination of No Adverse Effect based upon an approved data recovery program has been made for the eight archaeological sites. The State Historic Preservation Officer and UMTA have concurred with these determinations (see Appendix 16.2). The project is in full compliance with Section 106.

SECTION 4(f). Section 4(f) of the Department of Transportation Act of 1966 mandates that special efforts be made to preserve public parks, wildlife refuges, and historic sites. Consequently, a review of all impacts to these resources is required as a condition of project approval. A federal transportation project using a Section 4(f) resource can be approved only if there is no feasible and prudent alternative and all planning to minimize harm has been incorporated. Only three uses of Section 4(f) resources would occur with development of the Guadalupe Corridor. All three of these uses would be located at bridge crossing of the Guadalupe River, along a planned linear park and regional trail. Because the river creates a linear physical boundary which must be crossed in these three locations for a continuous transportation facility design, there is no feasible and evident alternative to crossing the Guadalupe River and using the three Section 4(f) resources (see Section 5 of this FEIS). Minimum vertical clearances and horizontal trail accommodations have been assured in bridge crossing design. Consequently, all measures to minimize harm to Section 4(f) resources have been incorporated into the project. The project, therefore, is in compliance with Section 4(f).

HOUSING RELOCATION STUDY. The U.S. Department of Transportation (DOT) requires the evaluation of residential relocation needs for federal transportation actions. An assessment of relocation requirements of the Guadalupe Corridor projects indicated that 69 households would be displaced by the implementation of the proposed project. Current data on the availability of replacement housing is maintained by the City of San Jose. Approximately 67 of the 69 displaced households would be eligible for assistance under state and/or local relocation programs (see Section 3.4 of this FEIS). This information is based upon a right-of-way stage housing relocation study prepared in conformance with DOT requirements.

S.7 AREAS OF CONTROVERSY AND ISSUES TO BE RESOLVED

Extensive general public and affected agency involvement has been sought throughout the project planning stages to identify areas of concern and controversy. Community participation has been especially extensive during preliminary engineering with over 60 public meetings. Major concerns expressed by the community during the preliminary engineering public involvement process have been expressway and LRT noise intrusion, safety and

security, construction disruption, loss of mature trees along North First Street between Bassett Street and State Route 17, bicycle provisions, and park-and-ride locations. Numerous other community design issues have been expressed as summarized in Section 9 of the FEIS. Each of these areas, and others raised during environmental analysis, are addressed in this FEIS.

The community participation and local design review process (through the Technical Management Committee and the Joint Powers Board) have been successful in resolving the majority of design issues related to the Guadalupe Corridor. Preliminary engineering design issues which remain to be resolved include provisions for bicycles north of Curtner Avenue, landscaping and trackway design between Bassett Street and State Route 17, final selection of grade-separated intersection locations, and final vibration abatement measures. In all cases where options have been presented as potential included within the project, each option has been addressed in this FEIS.

1. PURPOSE AND NEED FOR ACTION

1.1 INTRODUCTION AND STATEMENT OF PROBLEM

The Santa Clara Valley is a very dynamic urban area located at the southern end of San Francisco Bay. Once known for its fruit orchards and vineyards, today the valley is one of the world's foremost centers of high technology industry. The area is known around the world as Silicon Valley, the place where over 80 percent of the U.S. and 50 percent of the world's semi-conductors (integrated circuits, or chips) are designed and manufactured. Silicon Valley is an area approximately 25 miles long and 3 miles wide which stretches from Redwood City in the north to San Jose in the south and contains over 1,000 high-technology companies employing more than 225,000 highly skilled people. In 1979, sales by firms located in Silicon Valley totaled more than $40 billion. High-technology businesses include electronics, missiles, satellites, rocket engines, computers, nuclear reactors, solar energy systems, telecommunications, electronic instruments and measuring devices.

The importance of Silicon Valley to the rest of the country cannot be overlooked. It is the center for the U.S. electronics industry. Most research and development activities in the industry occur here, resulting in the founding of dozens of highly succesful new companies each year. The U.S. electronics industry is one of the brightest spots in the national economy today, increasing productivity in many areas, creating new jobs and an increased tax base, and helping to balance our national trade deficit with its billions of dollars in exported technology.

Increasing competition for the U.S. electronics industry is now occurring from Japan and Western European nations, whose governments subsidize research and development costs, provide major tax incentives, and insure that urban infrastructure is in place so that the industry can grow. The U.S.'s leading position in this industry will be threatened, unless our electronic companies can continue to grow and improve in this rapidly-changing industry. If the Santa Clara Valley cannot continue to provide new housing at affordable prices, transportation capacity expansion, and other urban infrastructure necessary for this growth to take place, the economic health of the electronics industry will suffer, and that in turn will affect the national economy.

The Guadalupe Corridor encompasses a portion of the Silicon Valley with an area approximately 16 miles long and five miles wide. It extends from the heavily populated Almaden and Edenvale residential areas of South San Jose, through downtown San Jose, past the San Jose Municipal Airport and northward to the North San Jose and Santa Clara electronic industrial parks. In the 15 years from 1975 to 1990, the corridor area is expected to grow from 360,000 to 420,000 in population and from 187,000 to 383,000 in the number of new jobs. This large growth will generate an increase of at least 50 percent in demand for more daily person trips than the approximately 1.2 million trips made in the

corridor in 1975. Almost half of this large increase has already been achieved during the significant growth years of 1975-1980.

State freeway projects for State Routes 87 and 85 were first planned over 20 years ago to accommodate the corridor's major commute transportation needs and were originally scheduled for completion by 1970. In the interim, the corridor has experienced a heavy second wave of industrial and population growth. Roadway congestion of major highways and arterials has become aggravated and has steadily spilled over onto local streets, causing increasing intrusion into and disruption of residential neighborhoods.

Approximately ten miles of the State Route 87/85 right-of-way purchased for transportation purposes remain undeveloped and unused. This very valuable resource, already 70 percent in public ownership, can result in significantly lower capital costs for the development of transportation facilities than would normally be possible without substantially undeveloped available rights-of-way.

The need for additional transportation facilities in the Guadalupe Corridor has become acute. Consequently, the alternatives analysis process has been undertaken with the fundamental goal to: "achieve substantial, effective agreement on the most efficient and effective transportation system for the Guadalupe Corridor, consistent with the community's expressed social, environmental, economic, and financial goals."

1.2 GROWTH TRENDS IN THE GUADALUPE CORRIDOR AND SANTA CLARA COUNTY

The Guadalupe Corridor Project is intended to respond to the critical urban transportation needs associated with the extensive ongoing growth and development of the San Jose metropolitan area and Santa Clara County. The metropolitan area is located at the southern tip of the San Francisco Bay in the wide, flat floor of the Santa Clara Valley. The county's mediterranean climate, plus prime agricultural soils and abundant groundwater, originally favored an agricultural economy. During the 1950s, the same climate favored the first wave of urban development which was to transform San Jose into one of California's most rapidly growing metropolitan areas.

The emerging urban environment assumed more intensive land use patterns. The basic pattern originated in the 1950s when San Jose was still a relatively small community with a predominant downtown of business, governmental and university activity. By the 1960s San Jose had become one of the nation's fastest growing areas, creating decentralized development supported by tacit assumptions of unconstrained land, highways, urban services and energy. Its population was made up of large families, many of which were affluent and highly mobile, and tended to reside in lower density, single-family suburban subdivisions. By the mid-1970s, the state's youngest metropolitan area had taken form with sprawling land use patterns and a heavily automobile-dependent population.

By 1975, the county's employment base of 502,000 jobs was growing at a higher percentage rate than its population of 1.1 million persons and its resident labor force of 490,000 workers. Countywide, more than four million person trips were being generated daily, only one percent of which were on public transit. The locational imbalance of jobs and housing was contributing significantly to severe highway traffic congestion, especially at peak hours.

As a result, 102 miles of the county's 367 route miles of freeways and expressways had reached undesirable peak hour congestion levels for commuters who increasingly tended to reside in East and South San Jose and work in the North San Jose-Palo Alto employment corridor along U.S. Highway 101. The predominant southeast-to-northwest commute pattern created six-minute delays during the morning peak hour for the average commuter who drove eleven miles to work in 23 minutes, traveling at an average speed of 26 miles per hour. Development of the planned transportation system lagged sharply behind private residential and employment development. Funding for State Routes 85 and 87, for example, was curtailed and led to extreme congestion on other roadways, such as Blossom Hill Road and the Almaden Expressway, which were never designed to handle freeway traffic volumes.

The jobs/housing imbalance and roadway capacity problems inherited from the first growth wave were exacerbated in the mid-1970s with the development and production of new semiconductor technology by electronics firms in the North San Jose-Palo Alto employment corridor. Within a five year period, the accelerated expansion of these industries had created a large second growth wave of new support industries, residential and commercial development.

Thousands of skilled, managerial and professional employees immigrated to the county and metropolitan area, competing for already scarce housing. With low density zoning and aging housing stock limiting residential development near the employment centers, the new employees sought affordable housing in East and South San Jose. Commute distances and times became progressively longer. As peak hour congestion and gasoline prices climbed and bus service was expanded, commuters began to shift from their automobiles to bus and rail systems. Southern Pacific ridership increased from 7,000 daily county commuters in 1978 to over 10,000 in 1979. Average daily ridership on County Transit District buses rose nearly 40 percent in one year, from 53,000 riders in 1978 to 74,000 riders in 1979. It is currently over 100,000 riders per day. Although transit patronage has increased, severe congestion on southeast to northwest travel routes occurs at peak hours.

By 1990, the average Santa Clara County automobile commuter is expected to face peak-hour delays of 17 minutes on a 36-minute trip to work, traveling at an average speed of 19 miles per hour. The average commuter will reside over 13 miles from work and continue to execute the same east/southeast commute pattern to the northwest employment centers. Both the highways and many north-south arterial streets would be used by an additional 340,000 commuters (68 percent increase over 1975's commuters), and they would experience unstable stop-and-go traffic flows on roadways at or near capacity, service levels of D (unstable flow) to F (forced flow) as described in the Highway Capacity Manual. At least ten percent of all commuters (85,000) will be taking public transit to work, in part because the capacity of the county's roadway system is expected to grow by only 11 percent. Peak-hour freeway and expressway congestion would increase to 150 roadway route miles, a 50 percent increase over 1975 levels.

As now projected, the county's accelerated growth rates and land use patterns would overwhelm the capacity of the county's major roadways (especially in the Guadalupe Corridor) within ten years. Additional delays for work trips would be incurred, and traffic would further overflow onto neighborhood streets and increase residential noise, air pollution, accidents and lifestyle disruptions. Consumption of foreign-derived petroleum could increase by 60 percent, accidents by more than 50 percent, and pollution levels by over 30 percent due to this expected county growth.

These critical implications foreseen for 1990 are exemplified by the ongoing growth in employment and population in the vicinity of the Guadalupe Corridor. Employment and housing in the entire Guadalupe Corridor are expected to increase from 187,000 jobs in 1975 to 383,000 jobs in 1990 (105 percent increase) and from 122,000 to 176,000 dwelling units (44 percent increase). Population density in the Guadalupe Corridor's residential areas would increase from 6,200 to 7,000 persons per square mile. The county's overall population would reach at least 1.35 million by 1990.

To address the critical concerns of local growth and transportation problems in the Santa Clara Valley, a joint policy committee of the Association of Bay Area Governments and the Metropolitan Transportation Commission conducted a study called the "Santa Clara Valley Corridor Evaluation"(SCVCE) (Joint Policy Committee, 1978 and 1979). Travel forecasts for 1990 were made for four different transportation alternatives: Null; Bus Emphasis; Rail Emphasis; and Auto Emphasis. Results of these forecasts indicated that the peak-hour capacities of State Route 82 (Monterey Highway), Almaden Expressway, and U.S. Highway 101 would all be exceeded in 1990 with no transportation improvements in the State Routes 87 and 85 corridors and that substantial volumes would be removed from those highways if either bus, rail or auto facilities were built within the corridors (Joint Policy Committee, 1978).

Independent travel forecasts by the City of San Jose reinforce the SCVCE findings that a transportation facility in the Guadalupe Corridor would

carry considerable peak-hour volumes otherwise carried on parallel routes (e.g., Almaden Expressway and Monterey Highway). The travel forecast assumed a four-lane expressway constructed in the corridor and the 1990 City of San Jose General Plan land use configurations (Roberts, 1980). Two-way 1990 p.m. peak-hour volumes for links in the corridor were estimated to range from 3200 to 5800 vehicles north of downtown San Jose and from 2400 to 4600 vehicles south of downtown, assuming an 7.5 percent diversion to transit and an average auto occupancy rate of 1.39 (above today's 1.17) (City of San Jose Public Works Department, 1980).

The previously discussed peak-hour demand findings illustrate the need to develop transportation facilities in the Guadalupe Corridor. Furthermore, local and regional goals, culminating in the 1979 SCVCE recommendations, support this premise. The Guadalupe Corridor Project will provide considerable assistance in alleviating the transportation problems which currently exist in the community.

1.3 STATEMENT OF GOALS AND NEED FOR ACTION

Although no single program can remedy the transportation and developmental effects of metropolitan area growth, the need for effective, balanced transportation improvements within the Guadalupe Corridor cannot be avoided. The need is comprehensive and extends from reducing traffic congestion, automobile emissions and energy consumption to improving the jobs/housing imbalance, stimulating central city revitalization and preserving community cohesion and resources.

As a result, nine goals have been defined for the Guadalupe Corridor Study based on relevant City, County, regional and Federal policies. These goals have served as a framework for evaluating the relative success of various transportation alternatives--highway, light rail transit, express bus and commuter rail--to mitigate the recognized needs of the corridor and the metropolitan area. The nine goals are summarized and set forth below.

1.3.1 IMPROVE TRANSPORTATION SERVICE

The principal goal of most urban transportation improvements is to upgrade the quality of service including relief of congestion, reduced user costs and travel times, and increased convenience, comfort, security, safety and parking. Related objectives are to facilitate bicycle, pedestrian and urban goods movement, and to improve connections with regional rail, interurban bus and air transport systems.

Because of the history of residential, industrial and highway development, County residents are heavily dependent upon automobiles for their transportation needs. The County's urban growth patterns have resulted in a geographic imbalance in the location of jobs and housing, which can be expected to worsen in the future.

Compounding the jobs/housing imbalance are the equally important factors of high automobile ownership, low automobile occupancy rates, and the

difficulty of public transportation to compete with private vehicles using the same heavily congested highways and arterial streets.

1.3.2 IMPROVE QUALITY OF THE NATURAL ENVIRONMENT

A major transportation project would have effects upon the environmental quality of the corridor and the San Jose metropolitan area. A major objective is to improve the area's general air quality consistent with the Bay Area Air Quality Maintenance Plan. Average carbon monoxide and oxidant levels in 1976 to 1978 violated Federal ambient air quality standards for 39 days and 19 days per year, respectively. Traffic noise levels, especially in quiet residential areas, need to be reduced in accord with Federal Department of Transportation standards. Impacts upon sensitive wetlands, and seismic and flooding risks are also to be minimized.

1.3.3 MAINTAIN AND ENHANCE THE HUMAN ENVIRONMENT

The ability to strengthen the quality of life of the human environment, especially the essential community resources, is central to the evaluation, selection and implementation of an urban transportation alternative. In addition to protecting recognized historic, archaeological, open space and park resources, other objectives include preserving neighborhood cohesion and identity, and reducing noise levels from commuter traffic intrusions in residential areas.

1.3.4 CONSERVE ENERGY AND LAND RESOURCES

In addition to natural and social resources, conservation of petroleum-based energy and agricultural/open space land (each now perceived as a constrained resource) and recognized today as necessary local and national goals. Reducing dependence on foreign oil supplies and peak-hour demand for electricity are essential energy conservation objectives. The inefficient consumption of energy and land resources potentially jeopardizes the present and future quality of life of the metropolitan area.

1.3.5 MAXIMIZE SOCIAL WELFARE AND EQUITY

The social distribution of transportation program benefits to groups with unmet needs for accessibility is a critical aspect of urban transportation policy. This goal seeks to identify and maximize the comparative ability of each alternative to provide adequate accessibility to jobs, schools, hospitals, parks, libraries and other community facilities. It further seeks to expand mobility for the transportation disadvantaged, such as the elderly, poor, students and handicapped.

1.3.6 STIMULATE ECONOMIC GROWTH

The accelerating urban and employment growth trends of the county require special consideration for stimulating comparable gains in housing and commercial development. The historic decline of downtown San Jose presents unique opportunities for transportation programs to reinforce

and stimulate major public and private reinvestment in the central city. Revitalizing the downtown's ability to compete for new offices, stores, hotels, high rise housing and cultural facilities is an integral facet of strengthening the general economic base of the Guadalupe Corridor. The effects of the project upon property values and local government services, revenues and costs are related objectives for strengthening the economic base.

1.3.7 MAXIMIZE FINANCIAL FEASIBILITY

This goal considers the relative financial feasibility of the project, total public costs, potential revenues and funding sources. The 1980s are foreseen as a decade of great uncertainty as to inflation rates, the availability of Federal and State transportation funding, the availability and cost of petroleum supplies, and housing development. Some transportation alternatives are inherently more vulnerable than others to the uncertainty of inflation and foreign petroleum supplies. Special attention will be given to the financial stability and reliability of the selected alternative.

1.3.8 MAXIMIZE COMMUNITY AND INSTITUTIONAL ACCEPTANCE

The implementation of a transportation alternative is influenced by a broad array of policy, fiscal, labor, operational and local government factors. This goal seeks to identify and address the concerns of the key actors in the local decision making process, such as local governments, schools, special districts, neighborhoods and minorities. In addition, local agencies will seek capital and operating funding from all available sources, including Federal and State financing, to implement the alternatives. Therefore, project implementation must also be made with an eye toward the likely success in securing Federal and State funding.

1.3.9 MAXIMIZE ECONOMIC EFFICIENCY

The efficiency of public investments for the project is central to determining its overall public worth. This goal will determine the costs of construction, operation, energy, time delays, accidents and lost wages associated with each alternative and their relationship to anticipated public and user benefits. The Guadalupe Corridor Study recognizes that certain costs and benefits associated with transportation investment cannot be expressed solely in monetary values. However, an economic analysis of the project is expected to produce useful and meaningful information which can be used as one factor in the final refinements in facility design.

The cost effectiveness of the project in its ability to serve transportation, social, economic and environmental goals is a critical factor for evaluating the merits of the alternatives. With current fiscal realities, it is important to maximize the community benefits derived from the Guadalupe Corridor transportation facility in relation to the public dollar investment.